

Article - Natural Resources

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§8-1006.

(a) On receipt of certification from the Department that a shore erosion control project has been satisfactorily completed, the Board of Public Works shall fix and levy a benefit charge on the benefited property. The benefit charge shall be:

(1) Payable in annual installments over a period of 25 years, or any shorter period as directed by the Board; and

(2) Calculated so as to return to the State the net project construction cost resulting from the shore erosion control project.

(b) Annual installments shall be due beginning on the first day of July following levy of the benefit charge by the Board of Public Works, and each July 1 after that date until the benefit charge is paid totally. If not paid within 90 days of its due date, an installment shall be in default and shall bear interest at the rate of 2% a month from the time of default. The Department shall be responsible for collection of annual installments.

(c) A benefit charge assessed under this subtitle shall be a lien on the real property against which the benefit charge is assessed, and shall be subject to collection in the manner specified for foreclosure of mortgages. Any annual installments in default shall be a first lien on the benefited property, subject only to prior State, county, or municipal real property taxes. The outstanding balance of a benefit charge shall be afforded normal lien priority, except that the Department may agree in writing to grant precedence to a subsequent mortgage or deed of trust if necessary for refinancing, transfer, or improvement of a benefited property.

(d) Annual installments shall be a personal obligation of the owner of a benefited property at the time the installments become due. Sale of a benefited property may not extinguish a lien under this subtitle, and the purchaser in all instances shall take the property subject to any outstanding balance of the total benefit charge still unpaid at the conclusion of the sale, and shall be required to meet the same annual installments as previously were being assessed. Any notice of sale clearly shall identify this potential liability, provided that failure to so notify may not affect the obligation if the notice of lien required under § 8-1005(d)(4) of this subtitle is filed properly.

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